

69
FILED
MAR 27 2012
UNITED STATES DISTRICT COURT
RICHARD W. WILKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
NORTHERN DISTRICT OF CALIFORNIA

Robin Hood, et al.
Plaintiffs

v.
U.S. Gov., Banking Industry, et al
Defendants.

Case # **C V 12 1542**
JURY DEMANDED

COMPLAINT
Racketeer Influenced and
Corrupt Organizations

EDL

The right to remain in Anonymity

FOR THE RECORD: Robin Hood is a fictitious name used by the author of this brief who wants to remain anonymous. Plaintiff believes he is the first case to file such a class action against the Banking Industry back in 2002. Therefore just like in Roe v. Wade case in which the name "Jane Roe", was used for an alias for an anonymous plaintiffs, to protect Norma McCorvey's identity. Plaintiff is using Robin Hood in this complaint as he has to argue for the poor and against the government / banks... as there should be no doubt to my real name, which should not be an issue in this subject matter.

I. INTRODUCTION

Robin Hood had become an outlaw when a divorce judge whom he had disqualified at the start of his divorce hearing with CCP. CODE § 170.6 rejected this "motion" and placed him on a vexatious litigants list for the State of California, in which caused his first Federal class action lawsuit to stop judges from using this CCP. CODE § 391-391.7 in this subject manner, which it was placed before a former judge who's history was questionable as he was buddies with the divorce judge and also had been sued for using this law, and had to be disqualify as the local federal judge (Jeremy Fogal) ... tend to stick together.

Arguing with the "local judges" leaves a man poor, and as it so happens Robin Hood had to file a class action lawsuit against Discover Bank and the "Banking Industry" in what plaintiff claims in this complaint as "subject matter." (Over-limit / Overdraft) fees litigation before Jeremy Fogal – (see Exhibit A) as he moves out of state to get away from all this "Racketeer Influenced and Corrupt Organizations" that goes with the territory.

II. DISCUSSION

At that time Robin Hood claims that he put this “subject matter” issue on the table and could not be heard, as this issue that was “Appealed” and even “Petition for Panel Rehearing” to the full court of Appeals for the Ninth Circuit. It was considered a dead subject at that time, as the Federal Courts had no jurisdiction in this kind of subject matter.

But yet this subject matter “Over-limit” / “Overdraft” is on the table and kicking under a class action litigation in the Untied States District Court of Southern District of Florida, Case No. 1:09-MD-02036-JLK and has been brewing for a couple years as more and more “lawsuits” have been placed in the multidistrict litigation.

These two terms share a common “stop line” or “zero line” and a fee is charged if one crosses that line. This fee was and is ill-gotten gains for the Banking Industry as the government had been informed by the original lawsuit.

Overdrafts

An overdraft occurs when withdrawals from a bank account exceed the available balance. This gives the account a negative balance and in effect means the account provider is providing credit. If there is a prior agreement with the account provider for an overdraft facility, and the amount overdrawn is within this authorized overdraft, then interest is normally charged at the agreed rate. If the balance exceeds the agreed facility then fees may be charged and a higher interest rate might apply.

Over-limit fee

A fee charged when your balance goes over your credit limit (also known as over the limit fee). When cardholders attempt to make purchases that will put them over their credit limit, card issuers used to routinely decline the transactions. In recent years, many card issuers changed their policies and automatically enrolled consumers in programs that allowed the transaction, but then added hefty fees. The Credit CARD Act of 2009 ended the practice of automatically enrolling consumers into over-limit fees, and requires that credit card issuers give account holders the option to opt-in to over-limit fees. Without the consumer's consent, they cannot charge over-limit fees. The act also forbids issuers from charging a fee higher than the amount a consumer is over the limit.

With the filing of this complaint plaintiff is “Reinstated or Reopened” and is filing for the right to Due Process and Equal protection under the First, Fifth and Fourteenth Amendment of the Constitution of the United States and under 28 U.S.C. 1915 as the lead case against the United States Government and the Banking Industry under Racketeer Influenced and Corrupt Organizations in the alias name of Robin Hood as to protect his “private life” and for the entire class of poor people that Robin Hood watch over, as assets have been seized by ill-gotten means which is well documented before the King who is the appointed Judge in this subject matter. Though there is a recent history to this action as plaintiff took the role of an onlooker and tried to object in his alias as John Jacob Jingleheimer Schmidt and tune into this case as the main issue is to get a “fair settlement” for the “class” and not have to bring up his Shady View Lane ways and have to deal with the IRS or .Gov in his adversary outlaw role.

CURRENT BACKGROUND

On December 12, 2011, Robin Hood has filed a motion to proceed in Forma Pauperis in the United States Court of Appeals for the 11th Circuit to Appeal in which he did not initiate this lawsuit but had learned of it when it was being finalized and was one of 49 people to file a timely “objection” as he was an onlooker to the process in the very final stages as he tried to object again when documents came out to the “number” of 13.2 million plaintiffs in this 410 million dollar settlement agreement in which the attorneys get 30% and all the parties received his objection, but the court did not file it until after the time for the oral hearing.

On December 27, 2011 a “Motion of an Appeals Bond” [D.E. # 2335] was filed in which a hasty reply was sent in, and soon after a “Motion to Disqualify Judge James Lawrence King” was sent in on January 14, 2012 as this knows if a judge does not sign a motion to proceed in forma pauperis... something is not right! (See Exhibit B)

Disqualification Issue

28 U.S.C. § 455 : US Code - Section 455: Disqualification of justice, judge, or magistrate judge

Any justice, judge, or magistrate judge of the United States shall disqualify himself in any **proceeding in which his impartiality might reasonably be questioned**.

d) For the purposes of this section the following words or phrases shall have the meaning indicated:

(1) "proceeding" includes pretrial, trial, **appellate review**, or other stages of litigation

Well, I just received another order from a judge I disqualified... (see Exhibit C), as there is more than enough filed documents in all the cases I filed, as I have been approved to proceed in this manner before the Supreme Court of the United States (#09-6971) now I have to file a complaint, as I claim the right to amend this complaint. The United States Government should not be allowed to cover-up its own faults by way of dismissing cases to this kind of degree in which an entire “class of poor people” have been robbed by Banks, Attorneys and the Government that they try to support.

I am sorry, but as the character that **I AM**, you don’t want me to use my name on this day of all days.

MARCH 24, 2012

Robin Hood
ROBIN HOOD

R. [REDACTED]
 200 West 2nd Street, #926
 Reno, Nevada 89501
 (775) 329-1880

03 JUN 27 PM 3:26
 2007
 2007

UNITED STATES COURT OF APPEALS
 FOR THE NINTH CIRCUIT

[REDACTED] R. [REDACTED], on behalf of himself,) Case No. 02-17473
 and every consumer who is or has been)
 charged an OVERLIMIT FEE,)
)
 Appellant)
)
 -vs-) PETITION FOR PANEL REHEARING
)
 Discover Bank;) On Appeal from the Order and Judgment of Judge Jeremy Fogal
 United States Government;) of the United States District Court for the Northern District of
 Does 1 to 1,000,000) California, Case No. C-02-000646 JF/PVT ADR
)
 Appellee) Affirmed on June 12,2003

Appellant, [REDACTED] R. [REDACTED], hereby declares under the penalty of perjury, and seek that:

1. That the Court of Appeals for the Ninth Circuit to **rehear or re-think** your misconduct in the affirmed judgment of June 12,2003.
2. Which claims that the United States District Courts does not have Jurisdiction. Also that the United States Court of Appeals Courts for the Ninth Circuit **Affirmed such Judgment**. When the Constitution of the United States of America clearly states it does! Every single high school student with knowledge of the Constitution would say it does! This would show that this court is **fixing the outcome of case**.
3. Another material point of fact that was overlooked is that goes **Against the [Manifest] or [Weight of the] Evidence** submitted in the complaint. This verdict is clearly against the undoubted general current of

the evidence, so that the Court can clearly see that they have acted under some mistake, or from some improper motive, bias , or feeling.

4. When Banks cheat consumers out of money by this kind of scam of overlimit fee charges and the United States District Courts allow such a scam to be ongoing by it dismissal of such complaint. And when the U.S. Court of Appeals **affirms** and condones such action, it will show the public that U.S. Courts are corrupt. Just like the Enron scandal. You do know what happen to the Accounting firm. Who well trust the Justice system if you allow the banks to steal. This will only devalue the dollar. It will become worthless due to the corruption in the Courts.

5. The Federal Courts are the guardians of the Constitution. Judges should uphold the integrity and independence of the Judiciary. The Judgments and Rulings of the Federal Courts must show the public, confidence in the integrity and independence of each judge to their responsibility. Conversely, violations of the Constitution, codes, statutes and laws diminishes public confidence in the judiciary and thereby does injury to the system of government under law. If there is no integrity in the Justice system because it allows the banking industry to steal assets, with knowledge of, the Justice system becomes liable and money will become worthless. This court must stop the banking industry from charging consumers in this manner. What are you guys thinking?

6. These material points of fact were overlooked that you should consider. You might want to look at my latest appeal No. 03-16163, given the fact that this action was affirmed the same day as #03-15040, Appellant believes that this affirmed dismissal was done under color of authority.

Please reconsider this petition for the sake of everyone.

I declare under the penalty of perjury under the laws of the United States of America that the forgoing is true and correct.

Date: June 27,2003



Exhibit A

Robin Hood
327 Blossom Valley Dr
Los Gatos Ca 95032
Email: i800overthrowingrules@yahoo.com

**UNITED STATES COURT OF APPEALS
FOR THE 11th CIRCUIT**

ROBIN HOOD ET AL.,

Case No. 11-15941-E

Appellant,

U.S.D.C. 1:09-MD-02036-JLK

vs.

James L. King Order & Final Judgment
IN RE: CHECKING ACCOUNT
OVERDRAFT LITIGATION, ET AL.,
Appellees.

Federal Rule of Evidence, Rule 201
For support of Motion to proceed in
Forma Pauperis

Appeal Motion for Bond

Certificate of Interested Person and Corporate Disclosure Statement (11th Cir. R. 26.1)

Appellant declares that this list would be too large and unwarranted as to list all those people in alphabetical order who might want to hear how one judge should not be granted the authority to deny everyone the right to appeal in his/her order(s) and final judgment as clearly there is some sort of fraud being perpetrated here as evidence submitted should show he planned to do so.

Federal Rule of Evidence, Rule 201

THIS CAUSE comes under Federal Rules of Evidence, Rule 201 and is being filed as for support to Appellants Motion to proceed in Forma Pauperis, as Appellant is not a "Professional objector" (as he turned down money) and had mailed in a "Motion to Disqualify Judge James Lawrence King to Bond Motion" to this court on Jan. 16, 2012 for this record as to show that this court was not planning on anyone appealing his Final judgment in the Court's words. See Attachment!

Appellants learned that his "Motion to proceed in Forma Pauperis" that was denied in this documents' footnotes on page 6 of the "ORDER MANDATING APPEAL BOND" [D.E. # 2473] "...Robin Hood's Motion to proceed in Forma Pauperis [D.E. #2216] is hereby denied as MOOT." (my alias is not "John Jacob Jingleheimer Schmidt" so the King cannot MUTE this Hood out)

I request that this Court post this share of the bond [D.E. # 2473] which I had already file a direct Motion to proceed in Forma Pauperis as part of the cost of appealing this matter.

Exhibit B

This Court specifically contemplated this issue and commented on the possibility of requiring the Objector-Appellants to post appeal bonds at pp. 47-48, footnote 30 in its November 22 Order:

As Plaintiffs noted both in their pleadings, . . . and at the Final Approval Hearing, most if not all of the Objections are motivated by things other than a concern for the welfare of the Settlement Class. Instead, they have been brought by professional objectors and others whose sole purpose is to obtain a fee by objecting to whatever aspects of the Settlement they can latch onto. The Court agrees with the court in *Barnes v. Fleet Boston Fin. Corp.*, 2006 U.S. Dist. LEXIS 71072, at *3-4 (D. Mass. Aug. 22, 2006), that, “[P]rofessional objectors can levy what is effectively a tax on class action settlements, a tax that has no benefit to anyone other than to the objectors. Literally nothing is gained from the cost: Settlements are not restructured and the class, on whose benefit the appeal is purportedly raised, gains nothing.” . . . The Court has nonetheless considered their objections on the merits, and rejects them for the reasons set forth herein. **Should these or any other Objectors choose to persist in their objections in order to tie up the execution of this Settlement and further delay payment to the members of the Settlement Class, the Court will consider additional measures to make sure that the members of the Settlement Class are not further harmed as a result.** See Supplemental Decl. of Prof. Brian T. Fitzpatrick [DE # 1885-7], ¶¶ 11-13 (discussing “objector blackmail” and observing that courts have fought back by sanctioning professional objectors and requiring hefty appeal bonds). And, as Judge Gold noted in the *Allapattah* case, an Objector seeking a fee “for simply filing a claim when Class Counsel has done all the work” will “[a]t the end of the day . . . have to appear before this Court to justify his fees.” See *Allapattah Servs., Inc. v. Exxon Corp.*, 454 F. Supp. 2d 1185, 1191 (S.D. Fla. 2006). (Emphasis added).

The Court continues to find that the highly detrimental impact of an appeal as to the entire class renders it appropriate for the Court to require any and all Objector-Appellants to post an appeal bond.

Accordingly, upon careful review of the record and being otherwise fully advised in the premises, it is hereby **ORDERED, ADJUDGED, and DECREED** that Plaintiffs’ Motion to Require Posting of Appeal Bonds [DE #2335] by Objector-Appellants John Finn [DE #2263], Richard Hastings and Janel Buycks [DE #2262], Martin Carapia and Fatima Dorego [DE #2251], Brooklyn Sarro and Megan Marek [DE #2249], Elizabeth M. Locke, Michelle W. Locke,

exercised its discretion to impose such a bond. See *Allapattah Services, Inc. v. Exxon Corporation*, 2006 WL 1132371 (S.D. Fla. 2006).

Robin Hood
Email: i800overthrowingrules@yahoo.com

UNITED STATES COURT OF APPEALS
FOR THE 11th CIRCUIT

ROBIN HOOD ET AL.,

11th Cir. Case No. 11-15941-E

Appellant,
vs.
U.S.D.C. 1:09-MD-02036-JLK

IN RE: CHECKING ACCOUNT
OVERDRAFT LITIGATION, ET AL.,

Appellant request under 28 U.S.C. § 1915
Service of documents.

Appellees.

Appellant Motion this court to proceed in forma pauperis with his notice of appeal. He claims for the record and declares under oath of penalty of perjury that his finances have not changed since filing the Appeal Notice, it should be in the personal file. He cannot afford to mail out this brief, nor thinks he should have to pay the price to report what he see as a form of corruption / major error in the part of the Justice system.

Appellant wants to remind the court of the following rule.

"The Court must follow Rule 4 of the FEDERAL RULES OF CIVIL PROCEDURE © Service. (3) By a Marshal or Someone Specially Appointed. At the plaintiff's request, the court may order that service be made by a United States marshal or deputy marshal or by a person specially appointed by the court. The court must so order if the plaintiff is authorized to proceed in forma pauperis under 28 U.S.C. § 1915 or as a seaman under 28 U.S.C. § 1916."

I declare I mailed the original and a 3 Copies to the:

United States Court of Appeals for the Eleventh Circuit,
Office of the Clerk,
56 Forsyth Street, N.W.
Atlanta , Georgia 30303

I will email the following parties a copy of this document for there record on March 17, 2012

Alicia Macklin	alicia.macklin@aporter.com	Jbrown@lavallebown.com
David Stellings	dstellings@lchb.com	comes back as failed notice
Laurence Hutt	laurence.hutt@aporter.com	
Michael Sobol	msobol@lchb.com	
Nicholas Carlin	nac@phillaw.com -(sometime this one comes back as failed notice)	
Randolph Liebler	jrl@lgplaw.com	
Sharon Mayo	sharon.mayo@aporter.com	
Stephen Rosenthal	srosenthal@podhurst.com	
Tricia J Duthiers	tjd@lgplaw.com	

March 14, 2012

Robin Hood

Robin Hood

Exhibit B

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 1:09-MD-02036-JLK

IN RE: CHECKING ACCOUNT
OVERDRAFT LITIGATION

MDL No. 2036

THIS DOCUMENT RELATES TO:
FIRST TRANCHE ACTIONS

Tornes, et al. v. Bank of America, N.A.
S.D. Fla. Case No. 1:08-cv-23323-JLK

Yourke, et al. v. Bank of America, N.A.
S.D. Fla. Case No. 1:09-cv-21963-JLK
N.D. Cal. Case No. 3:09-2186

ORDER DENYING MOTIONS TO PROCEED IN FORMA PAUPERIS

THIS CAUSE comes before the Court upon Appellant-Objector Tevis R. Ignacio a/k/a Robin Hood's Motions to Proceed in Forma Pauperis [DE #75, 113, 2403]. Upon careful review of the record and being otherwise fully advised in the premises, it is hereby ORDERED, ADJUDGED, and DECREED that the above-styled motions be, and the same are hereby DENIED.

DONE AND ORDERED in Chambers at the James Lawrence King Federal Justice Building and United States Courthouse in Miami, Florida, this 16th day of March, 2012.


JAMES LAWRENCE KING
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF FLORIDA

cc: All Counsel of Record
JLK/COURT- 11-2012

Exhibit C